

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

JERRY K. SMITH AND
WIFE, CATHIE SMITH

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:08-cv-412-HTW-LRA

ALLSTATE PROPERTY AND CASUALTY
INSURANCE COMPANY

DEFENDANT

AGREED FINAL JUDGMENT OF DISMISSAL WITHOUT PREJUDICE

This cause came before the Court at the joint request of the Plaintiffs, Jerry K. Smith and Cathie Smith, and the Defendant, Allstate Property and Casualty Insurance Company, for a final judgment dismissing any and all of the Plaintiffs' claims against the Defendant, Allstate Property and Casualty Insurance Company. The parties further request this Court to order that if the Plaintiffs pursue this action in the future against any Allstate entity, it must be filed in federal court.

The Plaintiffs and Defendant have consented to the entry of this Final Judgment of Dismissal Without Prejudice and have agreed any further pursuit of this action against any Allstate entity must be filed in federal court as evidenced by the signatures below of the parties' respective counsel of record.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that any and all of the claims of the Plaintiffs, Jerry R. Smith and Cathie Smith, against the Defendant, Allstate Property and Casualty Insurance

Company are hereby dismissed without prejudice and the Plaintiffs are required to file any further action against any Allstate entity in federal court.

SO ORDERED AND ADJUDGED, this the 28th day of August, 2008.

s/ HENRY T. WINGATE

CHIEF UNITED STATES DISTRICT JUDGE

AGREED AND CONSENTED TO:

S/Eugene C. Tullos

Eugene C. Tullos, Esquire (MSB #8302)
Attorney for the Plaintiffs

S/Eric J. Dillon

William C. Griffin, Esq. (MSB #5021)
Eric J. Dillon, Esq. (MSB #100958)
Attorneys for Allstate Property and Casualty Insurance Company

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